Remarks:

Claims 1-11 have been amended. New claims 12-14 have been added. Claims 1-14 are currently pending in this application.

Claims 1-11 have been amended for the sake of improved clarity, and not for any reason relating to the patentability of these claims.

New claims 12-13 are based on claims 1-2, and have been added to further protect the invention of the present application.

New claim 14 specifies that the subject recited in claim 1 is a human or an animal. Support for new claim 14 is provided, for example, at page 3, line 5, of the specification.

Claim Rejections under 35 U.S.C. 112

The Examiner has rejected claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite, saying that claim 2 is directed to a combination comprising a measuring device and an external power source, while claim 1 is directed to a sub-combination thereof comprising a measuring device. Applicant has addressed Examiner's rejection by amending claim 2 to delete the expression "the external stabilized power source through."

The Examiner has rejected claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite, saying that claim 3 is directed to a combination comprising a measuring device and an external computer, while claim 1 is directed to a sub-combination thereof comprising a measuring device. Examiner has further rejected claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite, with regard to the use of the expression "such said". Applicant has addressed Examiner's

rejections by amending claim 3 to replace the expression "wherein said device is provided in combination with such said external computer, and" with the expression –further comprising said external computer–.

Claim Rejections under 35 U.S.C. 103(a)

Examiner has rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,830,132 (Robinson) in view of U.S. Patent No. 5,701,894 (Cherry et al.). Applicant respectfully traverses Examiner's position for the reasons set forth below.

Robinson discloses a measurement device comprising multiple tungsten-halogen light sources (321a and 321b; 323a and 323b; and 325a and 325b; Figure 32), a part receptor for receiving a part of a subject (303; Figure 32), a light receptor for receiving light that has interacted with the part of the subject (327 and 335; Figure 12), a wavelength dispersion element (336; Figure 12), and a photodetector (343; Figure 12). Robinson does not, however, particularly teach or suggest that the disclosed measurement device is connectable through a communications interface to an external computer or connectable through a power interface to an external power source.

Cherry et al. teaches a computer-recorder for data analysis of biophysical, biomechanical and physiological data of a patient, which comprises a housing containing a microprocessor module; a power module; a control program module; and an output port for connection to a printer, an external computer, a facsimile machine, or a modem. The computer recorder receives input signals from a patient through a set of somatic sensors, which are coupled to the microprocessor module. Cherry et al. does not, however, teach or suggest that the disclosed computer-recorder can be coupled to a

measurement device that comprises a polychromatic light source, a part receptor for receiving a part of a subject, a light receptor, a dispersion element and a photodetector. Furthermore, Cherry et al. does not particularly teach or suggest that the disclosed computer-recorder may be connectable to an **external** stabilized power source; only **internal** power sources are taught.

The disclosures of Robinson and Cherry et al., either individually, or combined, would not, therefore, lead to the measuring device, as claimed in claims 1-8. Furthermore, there is not even any suggestion in Robinson or Cherry et al. for combining the disclosure of either reference with that of the other. In addition, Robinson relates to a measurement device for optical data, whereas Cherry et al. discloses a recorder device for **non**-optical sensory data. The device of Robinson is, therefore, for use in a diagnostic field that is different from the one in which the device of Cherry et al. is used. It is, therefore, respectfully, asserted that one skilled in the art would not be motivated to combine the teachings of Robinson and Cherry et al.

Claims 1-8 are, therefore, novel and inventive over Robinson and Cherry et al.

The Examiner has also rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,830,132 (Robinson) in view of U.S. Patent No. 5,701,894 (Cherry et al.), and further in view of U.S. Patent No. 5,553,613 (Parker) and U.S. Patent No. 6,078,828 (Yasuda et al.).

Applicant respectfully traverses Examiner's position for the reasons provided above in response to Examiner's rejection of claim 1-8. In addition, Applicant provides the following comments relating to the manner in which the subject matter of claims 9-11 is distinguished over Parker and Yasuda et al.

Parker discloses a device for the non-invasive measurement of the concentration of a specific analyte in arterial blood. The upper portion of the device (19, Figure 5) supports the hand of a patient, and permits entry of only the index finger of the supported hand into a tunnel (21, Figure 5). A source of radiation is located at the roof of the tunnel, and a radiation collector is located at the floor of the tunnel. Parker does not, however, particularly teach or suggest that the disclosed measuring device may comprise an opening for receiving a human hand, as claimed in claims 9-11. As indicated above, the measuring device of Parker comprises a tunnel adapted for receiving **only** the index finger of the patient.

Yasuda et al. discloses a measuring apparatus comprising a heating plate 1 for supporting a hand of a patient, a detecting probe 3 extending from the heating plate for irradiating, and for receiving transmitted and reflected light from the hand of the patient, and an optical measuring system. The device also comprises a pressure-regulating device comprising a U-shaped housing 15, which is placed on the upper surface of the heating plate, so as to straddle the detecting probe 3. Although Yasuda et al. disclose that the hand of a patient may be secured to the heating plate 1, they do not even suggest that the size of the opening for accepting the hand of the patient in housing 15 can be varied by adjusting the level of the hand support; the size of the opening of the housing is varied using the pressure regulating device (see column 7, line 53 to column 8, line 34). Furthermore, Yasuda et al. do not specifically teach or suggest that the top of the opening of the housing can be curved to generally fit the profile of a human hand across the top of the hand.

Claims 9-11 are, therefore, novel and inventive over Robinson in view of Cherry et al., Parker, and Yasuda et al.

The Examiner is, therefore, respectfully requested to withdraw the rejections against claims 1-11 under 35 U.S.C. 103(a).

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By _____

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